

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1244 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 agriculture and animals and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 15-4-10-12, AS AMENDED BY P.L.232-2001,
- 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2004]: Sec. 12. (a) The Indiana corn marketing council is
- 9 established. **The council is a public body corporate and politic, and**
- 10 **though it is separate from the state, the exercise by the council of**
- 11 **its powers constitutes an essential governmental function. The**
- 12 **council may sue and be sued and plead and be impleaded.**
- 13 (b) The council shall be composed of fifteen (15) members. The
- 14 elected members from districts listed under section 16(a) of this chapter
- 15 must be:
- 16 (1) registered as voters in Indiana;
- 17 (2) at least eighteen (18) years of age; and
- 18 (3) producers.
- 19 (c) Each elected member of the council must reside in the district
- 20 identified in section 16(a) of this chapter from which the member was
- 21 elected.
- 22 (d) Each member of the council is entitled to reimbursement for
- 23 traveling expenses and other expenses actually incurred in connection
- 24 with the member's duties, as provided in the state travel policies and

procedures established by the department of administration and approved by the state budget agency. However, council members are not entitled to any salary or per diem.

SECTION 2. IC 15-4-10-16, AS AMENDED BY P.L.232-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) One (1) council member shall be elected from each of the following districts:

DISTRICT 1. The counties of Lake, Newton, Jasper, Benton, Porter, LaPorte, Starke, White, and Pulaski.

DISTRICT 2. The counties of St. Joseph, Elkhart, Marshall, Kosciusko, Fulton, Carroll, Cass, Miami, and Wabash.

DISTRICT 3. The counties of LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells, and Adams.

DISTRICT 4. The counties of Montgomery, Fountain, Warren, Tippecanoe, Vermillion, Parke, Putnam, Vigo, Clay, and Owen.

DISTRICT 5. The counties of Clinton, Boone, Tipton, Howard, Grant, Hamilton, Madison, Hendricks, Marion, Hancock, Morgan, Johnson, Shelby, Rush, Bartholomew, and Decatur.

DISTRICT 6. The counties of Blackford, Jay, Delaware, Henry, Randolph, Wayne, Fayette, and Union.

DISTRICT 7. The counties of Sullivan, Greene, Knox, Daviess, Martin, Gibson, Pike, Dubois, Posey, Vanderburgh, Warrick, and Spencer.

DISTRICT 8. The counties of Monroe, Brown, Lawrence, Jackson, Orange, Washington, Perry, Crawford, Harrison, and Floyd.

DISTRICT 9. The counties of Franklin, Jennings, Jefferson, Ripley, Dearborn, Ohio, Clark, Switzerland, and Scott.

DISTRICT 10. All counties in Indiana.

(b) The dean of the school of agriculture at Purdue University or the dean's designee shall serve as an ex officio member of the council.

(c) The director shall appoint two (2) representatives of first purchaser organizations to serve as members of the council.

(d) The president pro tempore of the senate shall appoint one (1) member of the senate to serve as a member of the council. The speaker of the house of representatives shall appoint one (1) member of the house of representatives to serve as a member of the council. **The members appointed under this subsection are ex officio members of the council.** These appointed members shall at all times be members of different political parties. Notwithstanding any other law, the members appointed under this section are entitled to receive the per diem of members of the general assembly for time spent in attendance at the meetings of the council. Per diem of these members shall be paid by the council upon approval of the director.

SECTION 3. IC 15-4-10-22, AS AMENDED BY P.L.232-2001,

SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. (a) The council shall do the following:

(1) Elect a chairman, vice chairman, secretary, treasurer, and other officers the council considers necessary.

(2) Employ personnel and contract for services that are necessary for the proper implementation of this chapter.

~~(3) Establish accounts in adequately protected financial institutions to receive, hold, and disburse funds accumulated under this chapter.~~

~~(4)~~ (3) Bond the treasurer and such other persons as necessary to ensure adequate protection of funds received and administered by the council.

~~(5)~~ (4) Authorize the expenditure of funds and the contracting of expenditures to conduct proper activities under this chapter.

~~(6)~~ (5) Annually establish priorities and prepare and approve a budget consistent with the estimated resources of the council and the scope of this chapter.

~~(7) Provide for an independent audit and make the results of the audit available to all interested persons.~~

~~(8)~~ (6) Annually publish ~~at the same time as the results of the audit,~~ an activities and financial report **and** present this report to the ~~budget agency and the budget committee, and make this report available to all interested persons~~ **director.**

~~(9)~~ (7) Procure and evaluate data and information necessary for the proper implementation of this chapter.

~~(10)~~ (8) Formulate and execute assessment procedures and methods of collection.

~~(11)~~ (9) Receive and investigate, or cause to be investigated, complaints and violations of this chapter and take necessary action within its authority.

~~(12)~~ (10) Take any other action necessary for the proper implementation of this chapter.

(b) ~~Eight (8)~~ **Seven (7)** affirmative votes are required for the council to take action."

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 15-4-10-24.5, IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 24.5. (a) The Indiana corn market development account is established within the state general fund for the purpose of market development. The account shall be administered by the council. The account consists of:**

(1) assessments the council receives under this chapter;

(2) gifts; and

(3) grants.

1 **(b) The expenses of administering the account shall be paid**
 2 **from money in the account. After the account reaches an amount**
 3 **that exceeds five hundred thousand dollars (\$500,000) in a fiscal**
 4 **year, the council may annually take not more than ten percent**
 5 **(10%) of the balance for administrative expenses.**

6 **(c) The treasurer of state shall invest the money in the account**
 7 **not currently needed to meet the obligations of the account in the**
 8 **same manner as other public money may be invested. Interest**
 9 **that accrues from these investments shall be deposited in the**
 10 **account.**

11 **(d) Money in the account at the end of a state fiscal year does**
 12 **not revert to the state general fund.**

13 **(e) Money in the account is continually appropriated to the**
 14 **council for purposes of this chapter."**

15 Page 4, after line 24, begin a new paragraph and insert:

16 **"SECTION 7. [EFFECTIVE JULY 1, 2004] (a) The balance**
 17 **remaining in any account or fund created by or on behalf of the**
 18 **Indiana corn market development council on June 30, 2004,**
 19 **(including any account or fund under the control of a nonprofit**
 20 **corporation or organization), is transferred to the Indiana corn**
 21 **market development account established by IC 15-4-10-24.5, as**
 22 **added by this act.**

23 **(b) This SECTION expires June 30, 2005."**

24 Renumber all SECTIONS consecutively.

(Reference is to HB 1244 as printed January 30, 2004.)

Representative Grubb